



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/716,985	11/19/2003	Paul B. Fisher	34592-C-PCT-US-A 070050.2

21003
 BAKER & BOTTS
 30 ROCKEFELLER PLAZA
 NEW YORK, NY 10112



CONFIRMATION NO. 8990
 FORMALITIES LETTER



OC000000012008467

Date Mailed: 03/02/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
Ruoquian Shen
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch). See Figures(s) 13A, 15C, 15D.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the

"Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.


Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Y. G.
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

BAKER BOTTS LLP

Please type a plus sign (+) inside this box → 



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/716,985

Filing Date

November 19, 2003

First Named Inventor

Fisher

Group Art Unit

1634

Examiner Name

To Be Assigned

Attorney Docket Number

A34592-C-PCT-USA-A (070050.2496)

ENCLOSURES

(check all that apply)

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☒ Amendment / Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☒ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☒ Response to Missing Parts/Incomplete Application
 - ☒ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☒ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

Sequence Listing (paper copy); Sequence Listing Declaration; Letter requesting use of previously-filed computer readable form of Sequence Listing; Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

BakerBotts LLP
30 Rockefeller Plaza
New York, NY 10112

Signature

Carmella L. Stephens

Att Name: Carmella L. Stephens
PTO Reg: 41,328

Date

August 27, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: August 27, 2004

Typed or printed name

Carmella L. Stephens

Signature

Carmella L. Stephens

Date

August 27, 2004

Title: DEVELOPMENT OF DNA PROBES AND IMMUNOLOGICAL REAGENTS SPECIFIC FOR CELL
SURFACE-EXPRESSED MOLECULES AND TRANSFORMATION-ASSOCIATED GENES

Use Space Below for Additional Information:

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1,480)

Complete if Known

Application Number	10/716,985
Filing Date	November 19, 2003
First Named Inventor	Fisher
Examiner Name	To Be Assigned
Art Unit	1634
Attorney Docket No.	A34592-C-PCT-USA-A (070050.2496)

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☐ Deposit Account:
 Deposit
Account
Number
Deposit
Account
Name

02-4377

Baker Botts LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee required under 37CFR 1.16 and 1.17☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims	11	- 20 =	0	X	0
Independent Claims	2	- 3 =	0	X	0
Multiple Dependent					

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	1,480
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					0

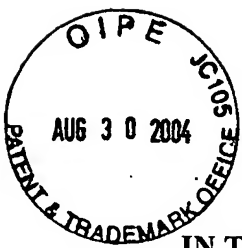
*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1,480)

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Carmella L. Stephens	Registration No. (Attorney/Agent)	41,328	Telephone	(212) 408-2539
Signature	<i>Carmella L. Stephens</i>	Date	August 27, 2004		



Atty. Docket No. A34592-C-PCT-USA-A (070050.2496)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fisher *et al.*
Serial No. : 10/716,985 Examiner : To Be Assigned
Filed : November 19, 2003 Group Art Unit: 1634
For : DEVELOPMENT OF DNA PROBES AND IMMUNOLOGICAL
REAGENTS SPECIFIC FOR CELL SURFACE-EXPRESSED
MOLECULES AND TRANSFORMATION-ASSOCIATED GENES

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION UNDER 37 C.F.R. 1.53(b)**

I hereby certify that this paper is being deposited on August 27, 2004, with the
United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

Carmella L. Stephens
Attorney's Name

Carmella L. Stephens
Signature

41,328
Registration No.

August 27, 2004
Date of Signature

Mail Stop **MISSING PARTS**
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

This paper is being filed in response to the Notice to File Missing Parts dated March 2, 2004. The Notice indicates that the oath or declaration for the above-identified application was missing. The Notice further indicates that the application was informal because it lacked formal drawings and failed to comply with the requirements of 37 C.F.R. §§1.821-1.825. Applicants herein respond, in part, to this Notice by submitting formal drawings in compliance with 37 C.F.R. §§ 1.84 and 1.121, and a paper copy of a Sequence Listing, along with an Amendment directing its entry into the application and a letter requesting the use of the computer-readable copy of the Sequence Listing filed on June 15, 2001, in parent application USSN 08/875,553,

filed on May 26, 1998. Applicants also request a four-month extension of time, through September 2, 2004, for responding to the Notice. A copy of the Notice to File Missing Parts is also enclosed.

REMARKS

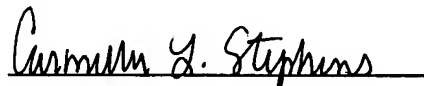
This paper is being filed in response to the Notice of Missing Parts dated March 2, 2004. The Notice indicates that the oath or declaration for the above-identified application was missing, and that an oath or declaration surcharge of \$130.00 as set forth for a non-small entity under 37 C.F.R. § 1.16(e) was due, along with an executed copy of an oath or declaration, to avoid abandonment of the application. The Notice further indicates that replacement drawings in compliance with 37 C.F.R. § 1.84 and 37 C.F.R. § 1.121 are required, as are paper and computer readable copies of a Sequence Listing, a statement that the contents of the paper and computer readable versions of the Sequence Listing are the same, and an amendment directing the entry of the Sequence Listing into the application.

In response to this Notice, Applicants submit herewith twenty-eight (28) sheets of formal drawings in compliance with 37 C.F.R. §§ 1.84 and 1.121. Applicants further submit a letter requesting that the Sequence Listing filed on June 15, 2001, in parent application USSN 08/875,553 be used in connection with the above-identified application, as permitted under 37 C.F.R. § 1.821(e). Applicants do not submit, at this time, an executed copy of a Combined Declaration and Power of Attorney document, because Applicants' attorneys have not yet received an executed declaration from inventor Shen. Applicants will either submit a declaration fully executed by both named inventors prior to the final deadline of October 2, 2004, or submit a declaration executed by inventor Fisher along with a petition for acceptance of this declaration on behalf of himself and the non-signing inventor.

Applicants believe a fee of \$1,480 for a four-month extension of time for a non-small entity is required for this submission. Should any additional fee be due or overpayment made in

connection with the submission of this paper, the Commissioner is hereby authorized to charge such fees or credit the overpayment to Deposit Account No. 02-4377. A duplicate copy of this communication is enclosed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lisa B. Kole", is written over a horizontal line.

Lisa B. Kole

Patent Office Reg. No. 35,225

Carmella L. Stephens

Patent Office Reg. No. 41,328

Attorneys for Applicants
30 Rockefeller Center, 45th floor
New York, NY 10112-4498

(212) 408-2539

Encl.